CHAPTER 130-4 AUTHORITY HAVING JURISDICTION

130-4.1   INTRODUCTION

A.   Purpose

This Operating Instruction establishes a Codes Committee for the Division of Engineering Services (DES) designated as the Authority Having Jurisdiction (AHJ) for all Indian Health Service (IHS) facilities staff. This authority was delegated jointly to the DES offices in Dallas and Seattle by memorandum dated August 19, 1996, by the Acting Associate Director, Office of Environmental Health and Engineering (OEHE). As defined in the delegation, the AHJ is the authority designated "to resolve conflicts that arise from interpreting and applying criteria, codes, etc. in different ways, and applying different codes, criteria, guidelines, etc. in similar situations."

This instruction outlines procedures for committee membership and for rendering interpretations. The committee is responsible for reviewing all requests for interpretations of codes, standards, design criteria, and technical guidelines.

B.   Applicability

This Operating Instruction is applicable to DES. This instruction shall be used to address all interpretations requested by IHS facilities. It may be used to address interpretations requested by other agencies as appropriate. Any request for IHS technical guidance that is not already established or involves a policy decision will be forwarded to the Health Facilities Advisory Committee (HFAC) for action.

C.   Material Superseded

Engineering Services-Dallas OI- 91-Ol, Revision No.3, dated 2/14/94
Engineering Services-Seattle memorandum dated 10/19/92

D.   Background

Originally the two DES offices established their own codes committees to deal with interpretations. In August1996 IHS OEHE delegated the responsibility of AHJ jointly to the offices. Since that time the two separate committees have been rendering decisions jointly. This instruction supercedes all previous independent instructions, and creates one single committee with an alternating chairperson.

130-4.2   CODES COMMITTEE ORGANIZATION

A.   Membership

(1)   Structure
The committee shall be composed of minimum five members including chairperson selected from DES staff. A minimum of two members will be from each DES office with the chairperson alternating between the two offices. Appointments shall be made so that each of the following disciplines will be represented on the committee: civil/structural, mechanical, and electrical engineers and architect.

(2)   Selection Criteria

All members of the committee must be currently registered in their respective discipline. All members shall have completed training in the National Fire Protection Association (NFPA) Life Safety Code and preferably training in the HCFA Basic Life Safety Code. Their respective DES Director shall appoint all members.

(3)   Terms

Appointments shall be for two-year terms. Terms shall be staggered so that no more than three members' terms expire in any one year. The DES Directors may remove any of their respective members for cause.

(4)   Chairperson

The chairperson shall be rotated between the two DES offices. The chairperson's term shall be for one year without the possibility of extension.

(5)   Vice-Chairperson

The vice-chairperson shall be rotated between the two DES offices. The vice-chairperson's term shall be for one year, whereupon he/she will immediately progress into the chairperson's position. The vice-chairperson shall be voted in at the beginning of his/her two-year term as a committee member.

B.   Responsibilities

(1)   Members

All members are expected to actively participate on the committee to the maximum extent possible. When assigned the responsibility of lead person on a request, the member is expected to research all applicable background data including past similar interpretations and provide to all committee members. The lead person is responsible for also preparing the draft and final interpretation per the format provided in Appendix A.

(2)   Chairperson/Vice-Chairperson

The chairperson of the committee is responsible for logging all requests into a master log and monitoring status on a regular basis. This log will also include all final decisions. The chairperson shall routinely distribute copies (electronic) of the master request log to all committee members. He/she is also responsible for maintaining the archives of all decisions including background information. A complete archive will be maintained in each DES office. The vice-chairperson will maintain the complete archive in the other DES office.

Upon receipt of a request, the chairperson shall make an initial assessment of the request. If the request has merit he/she will then convene the committee to discuss the request and assign a lead person to research the request and report back to the committee. The vice-chairperson shall assume this responsibility during the chairperson's absence.

C.   Procedure

(1)   Requests

All requests for interpretations shall be submitted initially to the responsible DES Director, who will forward the request to the current chairperson. All requests for interpretations from IHS Service Unit staff shall be routed through their respective Area Facilities Manager and/or Safety Officer.

All interpretations are final. Those requesting interpretations are encouraged to include all applicable facility data and define all issues potentially requiring clarification to allow a thorough analysis of the code requirements. Reconsideration of an issued interpretation will only be made if circumstances have changed or information previously unavailable comes to light. Requests for reconsideration shall be routed to the responsible DES Director.

(2)   Quorum
A quorum of the committee shall consist of at least three members, which includes representation of both DES offices. Conference calls are an appropriate means for achieving a quorum.

(3)   Decision-making
Participating members of national code committees shall be invited to provide technical expertise on all topics relevant to that committee.   All relevant IHS technical handbooks, HCFA interpretative guidelines (as applicable), codes and standards should be reviewed prior to rendering a final interpretation.

The committee will strive for consensus, but dissenting votes will be allowed. All interpretations require a minimum of three concurring approvals. Signatures on an interpretation acknowledge participation in the actual final interpretation.

(4)   Rules and procedures
The committee is responsible for establishing any additional procedures deemed appropriate to accomplish the requirements of this instruction

(5)   Time frames
Within 14 calendar days of receipt of the request by the DES Director, the chairperson will provide a confirmation letter to the requestor. The confirmation letter will include a projected time frame for issuance of an interpretation or a request for additional information. Upon receipt of all relevant information from requestor, interpretations shall be rendered within 28 calendar days.

(6)   Format
A sample of the required format for all interpretations is included in Appendix A.

APPENDIX - A

DIVISION OF ENGINEERING SERVICES
CODES COMMITTEE
REVIEW SUMMARY

REFERENCE: *(Describe document/communication requesting interpretation, requestor's name and date)*

ISSUE: *(Describe subject of request)*

LOCATION: *(Cite applicable locations)*

BACKGROUND: *(Describe facility construction, characteristics, layout, use, occupancy classification, circumstances leading to request for interpretation.)*

DISCUSSION: *(Citations of relevant code references and intent behind code requirements.)*

INTERPRETATION: *(Application of relevant code requirements to the specific situation, defining final interpretation.)*

SIGNATURES:

☐ Concur   ☐ Do Not Concur   DATE: NAME:
                                                         (State & License #)

☐ Concur   ☐ Do Not Concur   DATE: NAME:
                                                         (State & License #)

☐ Concur   ☐ Do Not Concur   DATE: NAME:
                                                         (State & License #)

☐ Concur   ☐ Do Not Concur   DATE: NAME:
                                                         (State & License #)

☐ Concur   ☐ Do Not Concur   DATE: NAME:
                                                         (State & License #)